GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Social Welfare Department – Appeal petition filed by Smt . Jogi Nirmala, Chittoor district, against the Proceedings of the District Collector, Chittoor – under section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 (AP Act No. 16/1993) – **Appeal Allowed** – Orders Issued.

SOCIAL WELFARE (CV.1) DEPARTMENT

G.O.MS.No. 37 **Dated: 10.06.2015**

Read the following:-

1. Proceedings of the Collector, Chittoor, C3/5466/2005, Dt: 08.02.2008.
2. Appeal Petition of Smt. Jogi Nirmala, W/o M. Sudhakar Mohan, Dt: 24.04.2008
3. Govt. Memo No.3273/CV.1/2008, S.W. Dept., Dt: 24.05.2008
4. From the District Collector, Chittoor, Lr ROC.C3/6010/2013, Dt.04.08.2013.
5. Govt. Memo No.3273/CV.1/2008, S.W. Dept., Dt:21.12.2013, 01.01.2014, 27.1.2014, 11.03.2015 & 08.04.2015

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ORDER:

1. Vide reference 1st read above, the District Collector, Chittoor has cancelled the Scheduled Caste 'Mala' caste certificate of Smt. Jogi Nirmala, Chittoor district, stating that she belongs to BC-C but not SC-Mala.

2. In the reference 2nd read above, Smt. Jogi Nirmala has filed an appeal petition before the Government u/s 7 (2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 16/1993, against cancellation of her Scheduled Caste certificate by the District Collector, Chittoor and prayed for staying the operation of the said suspension.

3. The Government have admitted the appeal petition of Smt. Jogi Nirmala and stayed the operation of the proceedings No.C3/5466/2005, Dt: 08.02.2008 of the District Collector, Chittoor and requested the District Collector, Chittoor to furnish the parawise remarks and connected records vide Memo 3rd read above.

4. In the reference 4th read above, the District Collector, Chittoor has furnished parawise remarks along with the connected records.

5. The said Appeal Petition has been posted for hearing on 21.12.2013, 06.01.2014,10.02.2014 & 18.04.2015 and the same has been informed to the appellant and requested to attend the hearings with all documentary evidence/certificates in favour of her community claim. The counsel for the appellant has attended for the hearings held on 10.02.2014 & 18.04.2015 and explained the grounds of SC 'Mala' community claim of Smt. Jogi Nirmala before the appellate authority.

6. The Government have examined the grounds filed by the appellant in her appeal petition/ parawise remarks submitted by the District Collector, Chittoor/ documentary evidence available with the Government, the representation made by the counsel for appellant at the time of hearing and the observations recorded by the then appellate authority during the earlier hearings. The appellant in her appeal petition stated that non-wearing of "Bindhi" cannot be construed as a circumstance against the appellant to come to a conclusion that she is a converted Christian and the District Collector, Chittoor failed to see that three brothers of the appellant, who are in Government Service are treated as Mala SC, and all educational records of those persons clinch that they belong to SC community.

7. Further it is observed that the counsel for the appellant in his written arguments has stated the appellant has not claimed at any point of time that she converted herself

[P.T.O]

into Christianity and as such, when there is no proof or certificate to the extent submitted by the Appellant, it cannot be concluded that the Appellant belongs to BC-C group i.e. Converted Christian and the respondent authority cannot draw any presumption as regards to the social status of the Appellant that she does not belongs to Hindu Mala (SC) community. Further it is observed that there is no recorded evidence or any proof, from the records available with the Government that the Appellant has taken "Baptism" and converted into Christianity.

8. The Government, after careful examination of the appeal petition and the circumstances stated supra and in exercise of the powers conferred u/s 7 (2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (Act No. 1993), hereby allow the Appeal Petition filed by Smt. Jogi Nirmala by upholding her Scheduled Caste (Mala) claim and the Proceedings of the District Collector, Chittoor issued in the reference 1st read above are set- aside.

9. The District Collector, Chittoor shall take necessary action in the matter accordingly.

10. The original record bearing No. C3/5466/2005 N.F 1 to 9 pages C.F 1 to 202 pages received from the District Collector, Chittoor, through reference 4th read above, are returned herewith and he is requested to acknowledge the receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. VIJAY KUMAR
PRINCIPAL SECRETARY TO GOVERNMENT (SW)

To
The Collector & District Magistrate, Chittoor (with original records)
Smt. Jogi Nirmala,
W/o M. Sudhakar Mohan, R/o Flat No.10,
Maghana Apartment, All India Radio, Bypass Road,
Tirupathi, Chittoor District.
Copy to:
P.S. to Hon'ble Minster(SWE&TWE)
P.S. to Principal Secretary (SW)
SF/SC.

// FORWARDED:: BY ORDER //

SECTION OFFICER